

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BROIDY CAPITAL MANAGEMENT LLC and ELLIOTT
BROIDY,

Plaintiffs,
- against -

ORDER
18-CV-6615 (CS)

JAMAL BENOMAR,

Defendant.

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Seibel, J.

On September 28, 2018, the Defendant filed two pre-motion letters explaining his intention to file a motion to dismiss the case based on various immunity arguments, (Doc. 25), and a motion to stay discovery pending resolution of the motion to dismiss, (Doc. 26). On October 4, 2018, Plaintiff filed two pre-motion letters replying to each of Defendant's letters, first arguing against the motion to dismiss based on the Defendant's immunity, (Doc. 27), and also requesting that the Court allow discovery to proceed during the interim period while the Court considered Defendant's motion to dismiss, (Doc. 28).

On October 10, 2018, the Court held a pre-motion conference during which the parties discussed their positions on both the Defendant's motion to dismiss and the Defendant's motion to stay discovery pending resolution of his motion to dismiss. (See Doc. 33.) At the conference, the Court permitted Plaintiffs to file a request for ten subpoenas to third parties, (*id.*), which Plaintiffs did on October 12, 2018, (Doc. 30). I denied Plaintiffs' request and ordered that "discovery will await the determination of the immunity motion." (Doc. 36.) Plaintiff then filed

a motion to stay all discovery pending resolution of his motion to dismiss, (Doc. 41), which I already consider granted based on my previous order, (Doc. 36).

Accordingly, to the extent it was not clear, Defendant's motion to stay discovery pending resolution of his motion to dismiss is GRANTED. The Clerk of Court is respectfully requested to terminate the pending motion, (Doc. 41).

SO ORDERED.

Dated: November 5, 2018
White Plains, New York



CATHY SEIBEL, U.S.D.J.